

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DAVID HOLMES,

Plaintiff,

v.

PAMELA OJEDA, *et al.*,

Defendants.

Case No. 2:24-cv-01468-RFB-EJY

**REPORT AND RECOMMENDATION**

This action commenced when Plaintiff, proceeding *pro se*, submitted an application to proceed *in forma pauperis* (“IFP”) together with a Civil Rights Complaint on August 9, 2024. ECF Nos. 1, 1-1. On August 13, 2024, the Court granted Plaintiff’s IFP application and dismissed his Complaint without prejudice but with leave to amend. ECF No. 3. The Court gave Plaintiff through and including September 13, 2024 to file an amended complaint. *Id.* at 4. The Court stated it would recommend dismissal without prejudice if Plaintiff failed to timely comply with the Court’s Order. *Id.*

Plaintiff’s mail was returned as undeliverable on August 19 and 21, 2024. ECF Nos. 4, 5. On August 22, 2024, the Court issued an Order requiring Plaintiff to update his address no later than September 23, 2024. ECF No. 6. The Court advised Plaintiff that failure to update his address would result in a recommendation to dismiss this action without prejudice. *Id.* As of the date of this Recommendation, Plaintiff has not complied with the Court’s Orders.

Accordingly, IT IS HEREBY RECOMMENDED that this matter be dismissed without prejudice for failure to comply with the Court’s Orders.

Dated this 24th day of September, 2024.

  
ELAYNA J. YOUCHAH  
UNITED STATES MAGISTRATE JUDGE

**NOTICE**

Under Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).